

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MCGHEE TONY DUCLOS,  
Plaintiff,  
v.  
D. SMITH, S. SANTIAGO and M. DE  
LIMA,  
Defendants.

Case No. 1:24-cv-00515-HBK (PC)  
ORDER GRANTING MOTION EXTENSION  
OF TIME NUNC PRO TUNC  
(Doc. No. 27)  
DECEMBER 3, 2024 DEADLINE

Pending before the Court is a Motion for Extension of Time to file a waiver of service of process and responsive pleading on behalf of Defendant Smith. (Doc. No. 27, “Motion”). The California Department of Justice recently determined that it will not represent Defendant Smith. (*Id.* at 2). His counsel, who is specially appearing for this Motion, has not yet made contact with Smith and requests an additional 15 days to confer with Smith and determine whether he will authorize the waiver of service of process in this action. (*Id.* at 2). Fed. R. Civ. P. 6(b) provides for extending deadlines for good cause shown, if the request to extend time is made before the existing deadline. The Court finds good cause to grant a fifteen (15) day extension to both deadlines specified in the Motion.

ACCORDINGLY, it is **ORDERED**:

1. The motion for extension of time (Doc. No. 27) is **GRANTED**.

- 1       2. **No later than December 3, 2024**, Defendant Smith shall file a waiver of service of
- 2       process.
- 3       3. **No later than December 3, 2024**, Defendant Smith shall file a responsive pleading to
- 4       Plaintiff's Complaint (Doc. No. 1).

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6       Dated: November 20, 2024



7       HELENA M. BARCH-KUCHTA  
8       UNITED STATES MAGISTRATE JUDGE

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